

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

SHARROD OCTAVIUS WILLIS,

Plaintiff

VS.

SERGEANT PAGE, et al,

Defendants

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CIVIL No: 7:15-CV-0062-HL

ORDER

Plaintiff **SHARROD OCTAVIUS WILLIS**, an inmate currently confined at Valdosta State Prison, filed a *pro se* civil rights complaint seeking relief under 42 U.S.C. § 1983. After conducting an initial review of the pleading, the Court found it clear on the face of the Complaint that Plaintiff failed to exhaust all available administrative remedies prior to filing suit in federal court as required by 42 U.S.C. § 1997e(a). His Complaint was accordingly dismissed without prejudice to allow for such exhaustion.

Plaintiff has now filed a timely Motion for Reconsiderations (Doc. 7) and shows that he received a response to his grievance on April 7, 2015. Plaintiff's Complaint, however, is dated March 29, 2015, and Plaintiff concedes that he had not yet received this response from prison officials prior to filing his Complaint. (*Id.*). The Prison Litigation Reform Act, 42 U.S.C. § 1997e(a), requires that a prisoner file an administrative grievance *and* receive a ruling on the grievance prior to filing suit in federal court. *See Brown v. Sikes*, 212 F.3d 1205, 1207 (11th Cir. 2000). In this case, Plaintiff clearly did not take the available step of waiting for a response from prison officials prior to filing suit. As such, the Court did not err in dismissing his Complaint for

lack of exhaustion. *See Jones v. Cannon*, 589 F. App'x 849, 853 (10th Cir. 2014).

Plaintiff's Motion for Reconsideration is accordingly **DENIED**. However, the dismissal of his Complaint was without prejudice. Thus, once Plaintiff has fully exhausted his administrative remedies, he may refile his claims in this Court if necessary.

SO ORDERED, this 13th day of May, 2015.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

jlr